

### VILLAGE OF BURR RIDGE

7660 S. COUNTY LINE ROAD • BURR RIDGE, IL 60521 • (630) 654-8181

Via yest Day Mail

FAX: (630) 654-4542 http://www.burr-ridge.gov

Jo V. Irmen
President
Karen J. Thomas
Village Clerk
Steven S. Stricker
Administrator

June 20, 2000

Mr. Sam Nolan, Director Illinois State Police 125 E. Monroe Street, Room #103 P. O. Box 19461 Springfield, IL 62794-9461

**RE:** Wireless 911 Notification

Dear Mr. Nolan,

In conjunction with the requirements set forth in the Wireless Emergency Telephone Safety Act and specifically Section 15(b) thereof (50 ILCX 751/15(b)), please accept this letter as notification that the Village of Burr Ridge and the Burr Ridge Emergency Telephone System Board will soon be entering into an intergovernmental agreement with the Southwest Central Dispatch and Southwest Central 911 System Emergency Telephone System Board to provide dispatch and 911 services effective May 1, 2001. To this end, please be informed that the Southwest Central Dispatch and Southwest Central 911 System Emergency Telephone System Board intend to accept wireless 911 calls within their member boundaries (including Burr Ridge) and to implement Phase 1 and Phase 2 wireless 911 as set for the Federal Communications Commission in its Report & Order 94-102. Accordingly, pursuant to the Act, the Department of State Police shall not be the primary wireless 911 public safety answering point for the Village of Burr Ridge.

Should you require any additional information or have any questions or concerns regarding this matter, please feel free to contact Burr Ridge Village Administrator Steve Stricker at (630) 654-8181, extension 100.

Very truly yours,

Barbara Miklos Barbara Miklos

Chairperson

Burr Ridge Emergency Telephone System Board

cc: President and Board of Trustees, Village of Burr Ridge

Village Administrator, Village of Burr Ridge

Assistant to the Administrator, Village of Burr Ridge

Burr Ridge ETSB

William D. Shanley, Director of the Southwest Central Dispatch

Nancy Hauptman, DuPage County

A VERY SPECIAL PLACE

#### INTERGOVERNMENTAL AGREEMENT BETWEEN THE BURR RIDGE EMERGENCY TELEPHONE SYSTEM BOARD, THE VILLAGE OF BURR RIDGE, AND SOUTHWEST CENTRAL 9-1-1 SYSTEM FOR WIRELESS EMERGENCY 9-1-1 SERVICES

This Agreement is made and entered into between the Burr Ridge Emergency Telephone System Board of the Village of Burr Ridge (hereinafter "Burr Ridge ETSB"), the Village of Burr Ridge (hereinafter "Burr Ridge") and Southwest Central 9-1-1 System, an intergovernmental cooperation association and emergency telephone system board (hereinafter "SWC911") (Burr Ridge ETSB, Burr Ridge, and SWC911 sometimes herein being referred to individually as a "Party" and collectively as "Parties");

Whereas, 5 ILCS 220/3, provides:

"Any one or more public agencies may contract with any one or more other public agencies to perform any governmental service, activity or undertaking or to combine, transfer, or exercise any powers, functions, privileges, or authority which any of the public agencies entering into the contract is authorized by law to perform, provided that such contract shall be approved by the governing bodies of each party to the contract and except where specifically and expressly prohibited by law. Such contract shall set forth fully the purposes, powers, rights, objectives and responsibilities of the contracting parties"; and,

Whereas, 5 ILCS 220/2 defines a public agency as follows:

"any unit of local government as defined in the Illinois Constitution of 1970, any school district, any public community college district, any public building commission, the State of Illinois, any agency of the State government or of the United States, or of any other State, any political subdivision of another State, and any combination of the above pursuant to an intergovernmental agreement which includes provisions for a governing body of the agency created by the agreement."

Whereas, 50 ILCS 751/1 et. seq., entitled the Wireless Emergency Telephone Safety Act (hereinafter "Wireless Act"), provides at section 15 (50 ILCS 751/15) that two or more emergency telephone system boards or qualified units of local government may, by virtue of an intergovernmental agreement, provide wireless 9-1-1 service within a certain jurisdictional boundary; and,

Whereas, the Burr Ridge ETSB and the Village of Burr Ridge have previously entered into an intergovernmental contract with SWC911 for SWC911 to provide enhanced wire 9-1-

1 emergency telephone service to the residents of the Village of Burr Ridge (hereinafter "Burr Ridge/SWC911 wire 9-1-1 Contract"); and

Whereas, Burr Ridge ETSB, the Village of Burr Ridge, and SWC911 have determined a need currently exists for SWC911 to receive and dispatch wireless 9-1-1 calls received from wireless subscribers with a billing address (zip codes) within the geographical and/or jurisdictional boundaries of the Village of Burr Ridge; and,

Whereas, 50 ILCS 751/20 of the Wireless Act creates the Wireless Service Emergency Fund as a special fund in the State treasury and that, subject to appropriation, moneys in the Wireless Service Emergency Fund may only be used for grants for emergency telephone system boards, qualified governmental entities, or the Department of State Police. These grants may be used only for the design, implementation, operation, maintenance, or upgrade of wireless 9-1-1 or E9-1-1 emergency services and public safety answering points, and for no other purposes. Also the Wireless Act states moneys from the Wireless Service Emergency Fund may not be used to pay for or recover any costs associated with public safety agency equipment or personnel dispatched in response to wireless 9-1-1 or wireless E9-1-1 emergency calls.

Whereas, Section 25 of the Wireless Act provides that the Department of Central Management Services (hereinafter "CMS") shall, subject to appropriation, make monthly proportional grants to the appropriate Emergency Telephone System Board or qualified governmental entity based upon the United States Postal Zip Code of the wireless subscribers billing address.

Now, therefore, based upon the mutual covenants and promises of the Parties to this Agreement, it is agreed by the Parties that:

- 1. The aforesaid Recitals shall be incorporated into this Agreement the Agreement shall be interpreted in accordance with said Recitals;
- 2. All 9-1-1 wireless calls received from wireless subscribers with a billing address (zip codes) within the geographical and jurisdictional boundaries of the Village of Burr Ridge will be answered by SWC911 and each such 9-1-1 call will be dispatched by SWC911;
- 3. All wireless surcharge moneys collected by CMS from wireless subscribers with a billing address (zip codes) within the geographical and jurisdictional boundaries of the Village of Burr Ridge as set forth in the Wireless Act and thereafter disbursed by CMS shall be remitted to SWC911 and not to Burr Ridge ETSB or Burr Ridge;

- 4. The term of this Agreement shall be concurrent with the term of the Burr Ridge/SWC911 wire 9-1-1 Contract, and in the event the Burr Ridge/SWC911 wire 9-1-1 Contract is terminated for any reason set out in the Burr Ridge/SWC911 wire 9-1-1 Contract, this Agreement shall also be terminated as of the effective date of termination of the Burr Ridge/SWC911 wire 9-1-1 Contract. All moneys due and owing SWC911 shall be paid to SWC911 until the date certain upon which SWC911 is no longer receiving and dispatching 9-1-1 wireless calls from wireless subscribers with a billing address (zip codes) within the geographical and jurisdictional boundaries of the Village of Burr Ridge;
- 5. Notwithstanding any other provision in this Agreement to the contrary, this Agreement may be cancelled and terminated by any Party for any reason or no reason at all upon one-year written notice to the other Parties. Said written notice shall be either delivered personally or mailed by certified mail, return receipt requested, to each party at its address set out in paragraph 6 of this Agreement (or amended address as provided for in paragraph 6). In the case of mailing, the date of mailing shall be deemed the date notice was tendered in accordance with this paragraph. All moneys due and owing SWC911 shall be paid until the date certain upon which SWC911 is no longer receiving and dispatching 9-1-1 wireless calls received from wireless subscribers with a billing address (zip codes) within the geographical and jurisdictional boundaries of the Village of Burr Ridge;
- 6. All notices under this Agreement from one Party to the other Party shall be in writing and be personally delivered or mailed by certified mail, return receipt requested, to the address listed below. In the case of mailing, the date of mailing shall be deemed the effective date of notice under this Agreement:

Burr Ridge Emergency Telephone System Board 7660 County Line Road Burr Ridge, IL 60521-6950 ATTN: Chief of Police

Village of Burr Ridge 7660 County Line Road Burr Ridge, IL 60521-6950 ATTN: Village Administrator Southwest Central 9-1-1 System 7611 West College Drive Palos Heights, IL 60463

Any Party may change the address it desires to receive notices under this Agreement by notifying the other Parties in writing either by personal delivery of notice or by mailing said notice by certified mail, return receipt requested;

- 7. This Agreement may be modified only upon the consent of all Parties. In order for said modification to be effective, said modification must be in writing and signed by authorized representatives of Burr Ridge ETSB, the Village of Burr Ridge, and SWC911. Notwithstanding any provision in this paragraph to the contrary, SWC911 shall not begin to receive and dispatch 9-1-1 wireless calls received from wireless subscribers with a billing address (zip codes) within the geographical and jurisdictional boundaries of the Village of Burr Ridge as required by this Agreement until May 1, 2001, and thereafter;
- 8. Notwithstanding any provision in this Agreement to the contrary, in the event the Village of Burr Ridge does not become a member of Southwest Central Dispatch effective May 1, 2001, this Agreement shall be null and void;
- 9. This Agreement may be signed in duplicate originals;
- 10. This Agreement constitutes the entire agreement among the Parties with regard to the subject set forth in this Agreement and supercedes any and all prior written or oral agreements or understandings among the Parties with regard to the subject matter of this Agreement;
- 11. The Parties acknowledge and agree that this Agreement was drafted by all Parties and therefore the rule of law that the provisions of a contract shall be construed against the party who drafted the contract and in favor of the parties who did not draft the contract shall not apply to this Agreement;
- 12. In Witness Whereof, the undersigned Parties have caused this Agreement to be duly executed on the dates indicated below. Attached herewith is a copy of the respective resolutions of Burr Ridge ETSB, Burr Ridge, and SWC911 authorizing the officials signing this Agreement on behalf of each Party to execute this Agreement and bind each Party to the terms of this Agreement; and

- 13. The effective date of this Agreement shall be the latest date signed by any Party to this Agreement as indicated below each Party's signature;
- 14. Within sixty (60) days after the end of SWC911's fiscal year, SWC911 shall provide the Village of Burr Ridge and the Burr Ridge ETSB with copies of SWC911's uncertified financial statements issued by SWC911's accountants for the fiscal year. In addition, SWC911 shall provide the Village of Burr Ridge and the Burr Ridge ETSB with a copy of any annual audits prepared on behalf of and at the direction of SWC911.

This Agreement consists of five (5) pages including this signature page.

Attest:

#### **SOUTHWEST CENTRAL 9-1-1 SYSTEM**

By: Title: President, Exec. Comm	By: William & Janeley Title: Secretary, Exec. Comm.			
Date: 1/15/01	Date:			
BURR RIDGE EMERGENCY TELEPHONE SYSTEM BOARD				
	Attest:			
By: Barbara L. Miloz Title: Chairman	By:			
Date: /2//8/60	Date:			
VILLAGE OF BURR RIDGE				
	Attest:			
By: V. Srnen Title: Village President	By: Jaco J. Throw Title: Village Clerk			
Date: 12/20/00	Date: 12/20/00			

#### RESOLUTION NO. R-12-91

# RESOLUTION AUTHORIZING INTERGOVERNMENTAL AGREEMENT BETWEEN THE VILLAGE OF BURR RIDGE AND THE COUNTY OF DUPAGE FOR ENHANCED 9-1-1 EMERGENCY TELEPHONE SERVICE

WHEREAS, the Constitution of the State of Illinois, 1970, Article VII, Section 10, authorizes units of local government to contract or otherwise associate among themselves in any manner not prohibited by law or ordinance; and

WHEREAS, Illinois Revised Statutes, Chapter 127, Section 743, entitled the "Intergovernmental Cooperation Act," provides that any power or powers, privileges or authority exercised or which may be exercised by a unit of local government may be exercised and enjoyed jointly with any other unit of local government; and

WHEREAS, Illinois Revised Statutes, Chapter 127, Section 742, defines a public agency as follows:

"any unit of local government as defined in the Illinois Constitution of 1970, any school any public community district, the State of Illinois, any agency of the State government or of the United States, any other State, political any subdivision of another State, and combination of the above pursuant to an intergovernmental agreement which includes provisions for a governing body of the agency created by the agreement."

WHEREAS, the Village of Burr Ridge is a unit of local government, a portion of which is situated within the corporate boundaries of DuPage County, Illinois; and

WHEREAS, the Village of Burr Ridge and the County of DuPage have determined that it is desirable that the County provide the

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Village and its residents with an Enhanced 9-1-1 Emergency Telephone System which will serve all the residents of the Village including those located in the County of Cook; and

WHEREAS, Illinois Revised Statutes, Chapter 134, Section 45.3 provides that municipalities and counties are authorized to pass an ordinance to impose a monthly surcharge imposed on billed subscribers of network connection provided by telecommunication carriers engaged in the business of transmitting messages by means of electricity originating within the corporate limits of any municipality or county for the purpose of installing or improving a 9-1-1 Emergency Telephone Service; and

WHEREAS, the majority of the voters of the County of DuPage approved the question on April 4, 1989, to allow the imposition of a monthly surcharge on billed subscribers of network connection provided by telecommunication carriers for purposes of installing or improving a 9-1-1 Emergency Telephone Service; and

WHEREAS, the majority of voters of the Village of Burr Ridge approved the question on November 8, 1988, to allow the imposition of a monthly surcharge on billed subscribers of network connection provided by telecommunication carriers for the purpose of installing or improving a 9-1-1 Emergency Telephone Service; and

WHEREAS, the Emergency Telephone System Act, Illinois Revised Statutes, Chapter 134, Sections 30.01 et. seq., likewise provides for municipalities and counties to enter into intergovernmental

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agreements for the provision of Enhanced 9-1-1 Emergency Telephone Service; and

WHEREAS, pursuant to the April 4, 1989, referendum, the County of DuPage has collected the 50 cent monthly surcharge imposed on billed subscribers of network connection provided by telecommunication carriers from the residents of the County of DuPage commencing on November 1, 1989; and

WHEREAS, Illinois Bell Telephone has informed the County of DuPage and the Village of Burr Ridge that they shall receive Enhanced 9-1-1 Emergency Telephone Service in September, 1991.

NOW, THEREFORE, Be It Resolved by the President and Board of Trustees of the Village of Burr Ridge, DuPage and Cook Counties, Illinois, as follows:

Section 1: That this President and Board of Trustees of the Village of Burr Ridge hereby find that it is in the best interests of the Village of Burr Ridge and its residents that the aforesaid Intergovernmental Agreement be entered into and executed by said Village of Burr Ridge with said Agreement to be substantially in the form attached hereto and made a part hereof as EXHIBIT 1.

Section 2: That the President and Clerk of the Village of Burr Ridge, Du Page and Cook Counties, Illinois, are hereby authorized to execute the aforesaid Agreement for and on behalf of said Village of Burr Ridge.

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<u>Section 3:</u> That this Resolution shall take effect from and after its adoption and approval in the manner provided by law.

ADOPTED this 25th day of February , 1991, by the Corporate Authorities of the Village of Burr Ridge on a roll call vote as follows:

AYES: 5 - Trustees Irmen, St. Clair, Sessions, McGirr & Marshall

NAYS: 0 - None

ABSENT: 1 - Trustee Davis

APPROVED this 25th day of February , 1991, by the President of the Village of Burr Ridge.

Village President

ATTEST

Village Clerk

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#### ORDINANCE NO. A-615-2-89

### ORDINANCE AMENDING ORDINANCE NO. 615 ESTABLISHING A 9-1-1 EMERGENCY TELEPHONE SYSTEM

BE IT ORDAINED by the President and Board of Trustees of the Village of Burr Ridge, Cook and DuPage Counties, Illinois as follows:

Section 1: That Ordinance No. 615 be and is hereby amended by adding a Section 3.5 which shall read in its entirety as follows:

Section 3.5: Whereas, a majority of votes cast upon the question set forth in Section 2 of Ordinance No. 615, as originally passed and approved, were in favor of the question, it is hereby ordered that a surcharge shall be imposed at a rate of 60 cents per month per in service network connection within the Village.

Section 2: That all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 3: The Village Clerk is hereby directed to publish this Ordinance in pamphlet form.

Section 4: This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

PASSED this 23rd day of January , 1989, by a roll call vote of the Corporate Authorities of the Village of Burr Ridge, DuPage and Cook Counties, Illinois, as follows:

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AYES: 6 - Trustees Blahnik, Zucek, Sessions, Polaski, Davis & Irmen

NAYS: 0 - None

ABSENT: 0 - None

APPROVED by the President of the Village of Burr Ridge this

23rd day of <u>January</u>, 1989.

Village Prysident

ATTEST

Village <del>C</del>řerk

#### ORDINANCE NO. A-615-1-89

## ORDINANCE AMENDING ORDINANCE NO. 615 ESTABLISHING A 9-1-1 EMERGENCY TELEPHONE SYSTEM

BE IT ORDAINED by the President and Board of Trustees of the Village of Burr Ridge, Cook and DuPage Counties, Illinois as follows:

Section 1: That Ordinance No. 615 be and is hereby amended by adding a Section 6.5 which shall read in its entirety as follows:

Section 6.5: In lieu of the telecommunication carriers imposing a 3% accounting and collection charge on its subscribers as permitted under the Act, each telecommunication carrier is hereby authorized and instructed to recover said accounting and collection charge by deducting 3% from the amount of surcharge otherwise due and owing the Village of Burr Ridge prior to remittance under Section Seven of this ordinance.

Section 2: That Section 7 of Ordinance No. 615 be and is hereby amended by adding the word "Treasurer" after the word "Village" in the first sentence so that said Section shall read in its entirety as follows:

Section 7: Every telecommunication carrier shall remit to the Village Treasurer the amount of surcharge due and owing for each calendar month within 30 days following expiration of each month to which the surcharge applies, net of any network or other "9-1-1" or sophisticated "9-1-1" system charge then due the particular telecommunication carrier as shown on an itemized bill.

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<u>Section 3</u>: That all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 4: The Village Clerk is hereby directed to publish this Ordinance in pamphlet form.

<u>Section 5</u>: This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

PASSED this 9th day of January , 1989, by a roll call vote of the Corporate Authorities of the Village of Burr Ridge, DuPage and Cook Counties, Illinois, as follows:

AYES: 6- Trustees Blahnik, Zucek, Sessions, Polaski, Davis & Ireman

NAYS: 0- None

ABSENT: 0- None

APPROVED by the President of the Village of Burr Ridge this

9th day of January \_\_\_\_\_\_, 1989.

Village Presiden

ATTEST:

Village Clerk

#### ORDINANCE NO. A-615-2-89

### ORDINANCE AMENDING ORDINANCE NO. 615 ESTABLISHING A 9-1-1 EMERGENCY TELEPHONE SYSTEM

BE IT ORDAINED by the President and Board of Trustees of the Village of Burr Ridge, Cook and DuPage Counties, Illinois as follows:

Section 1: That Ordinance No. 615 be and is hereby amended by adding a Section 3.5 which shall read in its entirety as follows:

<u>Section 3.5</u>: Whereas, a majority of votes cast upon the question set forth in Section 2 of Ordinance No. 615, as originally passed and approved, were in favor of the question, it is hereby ordered that a surcharge shall be imposed at a rate of 60 cents per month per in service network connection within the Village.

Section 2: That all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

<u>Section 3</u>: The Village Clerk is hereby directed to publish this Ordinance in pamphlet form.

Section 4: This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

PASSED this 23rd day of January , 1989, by a roll call vote of the Corporate Authorities of the Village of Burr Ridge, DuPage and Cook Counties, Illinois, as follows:

KRO:mk 1/20/89

AYES: 6 - Trustees Blahnik, Zucek, Sessions, Polaski, Davis & Irmen

NAYS: 0 - None

ABSENT: 0 - None

APPROVED by the President of the Village of Burr Ridge this

Village Prysident

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Village Elerk

ORDINANCE NO. \_\_\_630

### ORDINANCE ESTABLISHING AN EMERGENCY TELEPHONE SYSTEM BOARD

WHEREAS, pursuant to Ordinance No. 615, a referendum was placed on the November 8, 1988, ballot for all legal voters residing in the Village of Burr Ridge, Cook and DuPage Counties, Illinois, to vote upon a question of whether a surcharge of up to 60 cents per month per network connection on telecommunication carriers shall be imposed upon the residents of the Village of Burr Ridge for the purposes of installing a 9-1-1 emergency telephone system; and

WHEREAS, a majority of the votes cast at the November 8, 1988, election were cast in favor of imposing a surcharge for the establishment of an emergency telephone system within the Village of Burr Ridge; and

WHEREAS, the Emergency Telephone System Act, Ill.Rev.Stat., ch. 134, ¶30.01 et seg. provides that the Corporate Authorities of any municipality that imposes a surcharge for the establishment of an emergency telephone system shall establish an Emergency Telephone System Board;

NOW, THEREFORE, Be It Ordained by the President and Board of Trustees of the Village of Burr Ridge, Cook and DuPage Counties, Illinois, as follows:

<u>Section 1:</u> An Emergency Telephone System Board shall be and is hereby established by the Corporate Authorities of the Village

of Burr Ridge. The Board shall consist of five members who shall be appointed by the Village President with the consent of the Board of Trustees of the Village of Burr Ridge on the basis of their ability or experience. Members of the Emergency Telephone System Board shall serve without compensation but shall be reimbursed for their actual and necessary expenses. Members of the Board shall serve for a term of one (1) year.

<u>Section 2</u>: The powers and duties of the emergency telephone system board shall be as follows:

- (a) Planning a 9-1-1 system.
- (b) Coordinating and supervising the implementation, upgrading or maintenance of the system, including the establishment of equipment specifications and coding systems.
- (c) Receiving monies from the surcharge imposed by Village Ordinance No. 615, as amended, and from any other source, for deposit into the Emergency Telephone System Fund.
  - (d) Authorizing all disbursements from the Fund.
- (e) Hiring, on a temporary basis, any staff necessary for the implementation or upgrade of the system.

Section 3: All monies received by the Emergency Telephone System Board pursuant to a surcharge imposed under Village Ordinance No. 615, as amended, shall be deposited into an Emergency Telephone System Fund. The Treasurer of the Village of Burr Ridge shall be custodian of the fund. All interest accruing on the fund shall remain in the fund. No expenditures

may be made from such fund except upon the direction of the Emergency Telephone System Board by resolution passed by a majority of all members of the Board. Expenditures may be made only to pay for the costs associated with the following:

- (a) The design of the Emergency Telephone System.
- (b) The coding of an initial Master Street Address Guide data base, and update and maintenance thereof.
- (c) The repayment of any monies advanced for the implementation of the system.
- (d) The charges for Automatic Number Identification and Automatic Location Identification equipment, and maintenance, replacement and update thereof.
- (e) The non-recurring charges related to installation of the Emergency Telephone System and the ongoing network charges.
- (f) Other products and services necessary for the implementation, upgrade and maintenance of the system. However, such costs shall not include personnel or facilities, nor shall such costs include equipment which is not directly associated with the 9-1-1 Emergency Telephone System.

<u>Section 3</u>: That all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

<u>Section 4</u>: The Village Clerk is hereby directed to publish this Ordinance in pamphlet form.

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Section 5: This Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

PASSED this 9th day of January , 1989, by a roll call vote of the Corporate Authorities of the Village of Burr Ridge, DuPage and Cook Counties, Illinois, as follows:

AYES: 6 - Trustees Blahnik, Zucek, Sessions, Polaski, Davis & Irmen

NAYS: 0 - None

ABSENT: 0 - None

APPROVED by the President of the Village of Burr Ridge this

9th day of January , 1989.

Village President

ATTEST:

Village Clerk

ORDINANCE	NÓ	615	-	
OKUTNANCE	NO.	913		

#### ORDINANCE AUTHORIZING 9-1-1 REFERENDUM

WHEREAS, the State of Illinois has enacted into law the Emergency Telephone System Act, Ill.Rev.Stat., ch. 134, ¶30.01 et seq. (the "Act"); and

WHEREAS, the Act enables municipalities to impose a surcharge on telecommunication carriers at a rate per network connection in order to implement and/or upgrade and maintain a "9-1-1" emergency telephone system; and

WHEREAS, the Act further provides that before the surcharge may be imposed it must be authorized by a majority of the voters in a referendum by the municipality; and

WHEREAS, the President and Board of Trustees of the Village of Burr Ridge, Cook and DuPage Counties, Illinois, deem it to be in the best interest of the Village of Burr Ridge to implement and maintain a "9-1-1" emergency telephone system and to impose a surcharge on telecommunication carriers to be passed through to its subscribers to pay for the costs associated therewith;

NOW, THEREFORE, Be It Ordained by the President and Board of Trustees of the Village of Burr Ridge, Cook and DuPage Counties, Illinois as follows:

Section 1: A surcharge is hereby imposed, subject to the provisions of Section 2, upon all telecommunication carriers engaged in the business of transmitting messages by means of electricity originating within the corporate limits of the

Village of Burr Ridge and terminating within the State of Illinois for funding of a "9-1-1" emergency telephone system.

Section 2: A referendum shall be placed by the Village
Clerk on the November 8, 1988 ballot for all legal voters
residing in the Village of Burr Ridge to vote upon the following
question:

Shall the Village of Burr Ridge impose a surcharge of up to 60 cents per month per network connection on telecommunication carriers, which surcharge expense will be added	YES
to the monthly bill you receive for telephone or telecommunications charges for the purpose of installing a 9-1-1 emergency telephone system?	ИО

Section 3: If a majority of the votes cast upon the question are in favor thereof, a surcharge shall be imposed at a rate of up to 60 cents per month per in-service network connection, as hereinafter defined. A network connection shall not be deemed to be in service where a subscriber's account is uncollectible.

Section 4: For purpose of this ordinance, the following definitions shall apply:

- a. "Network Connection" means the number of voice grade communication channels directly between a subscriber and a telecommunications carrier's public switched network without the intervention of any other telecommunications carriers switched network which would be required to carry the subscriber's inter-premises traffic.
- b. "Transmitting Messages" shall have the meaning ascribed to the term in Section 8-11-2 of the Illinois Municipal Code.
- c. "Telecommunications Carrier" means any natural individual, firm, trust, estate, partnership, association, joint stock

company, joint adventure, corporation municipal corporation or political subdivision of this State, or a receiver, trustee, conservator or other representative appointed by order of any court engaged in the business of transmitting messages by means of electricity.

Section 5: The Village Clerk shall provide any telecommunication carrier subject to the surcharge with a certified list of those network connections assigned to the Village of Burr Ridge to be exempt from imposition of the surcharge. The certified list may be revised by the Village on 30 days prior written notice provided to the telecommunication carriers.

Section 6: The surcharge shall be imposed on the first day of the month following the expiration of 90 days from the date the Village Clerk certifies to any of the telecommunication carriers who are subject to the surcharge that the referendum referred to in Section 2 has passed and the amount of the surcharge.

Section 7: Every telecommunication carrier shall remit to the Village the amount of surcharge due and owing for each calendar month within 30 days following expiration of each month to which the surcharge applies, net of any network or other "9-1-1" or sophisticated "9-1-1" system charge then due the particular telecommunication carrier as shown on an itemized bill.

Section 8: Simultaneously with the remittance described in Section 7 above, each telecommunication carrier shall make a

written report to the Village Administrator for the period to which the remittance applies stating as follows:

- 1. The name of the telecommunication carrier.
- 2. The telecommunication carrier's principal place of business.
- 3. The number of network connections to which the surcharge applies.
- 4. The amount of surcharge due.
- 5. Such other reasonable and related information as the corporate authorities may require.

Section 9: If it shall appear that an amount of surcharge has been paid which was not due under the provisions of this ordinance, whether as the result of a mistake of fact or an error of law, then such amount shall be credited against any surcharge due, or to become due, under this ordinance from the telecommunication carrier who made the erroneous payments; provided, that no amounts erroneously paid more than one (1) year prior to the filing of a written claim therefore shall be so credited. Ninety days prior notice shall be given to the Emergency Telephone System Board on any credit against a surcharge due.

Section 10: No action to recover any amount of surcharge due under the provisions of this ordinance shall be commenced more than one (1) year after the due date of such amount.

Section 11: The Village Clerk is hereby directed to file a certified copy of this ordinance with the Election Authorities of Cook and DuPage Counties.

Section 12: This Ordinance shall be in full force and effect from and after its adoption, approval and publication as provided by law.

ADOPTED this 22nd day of August , 1988, pursuant to a roll call vote as follows:

AYES: 6 - Trustees Blahnik, Zucek, Sessions, Polaski, Davis

& Irmen

NAYS: 0 - None

ABSENT: 0 - None

APPROVED this 22nd day of August, 1988, by the President of the Village of Burr Ridge.

ATTEST: